

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 HAROLD HARDEN,

5 Plaintiff,

6 v.

7 CHRISTINE MONINGOFF and RAFAEL
8 AGUILERA,¹

9 Defendants.

Case No. 2:14-cv-00377-APG-PAL

ORDER DENYING MOTIONS

(ECF Nos. 181, 182, 183)

11 Plaintiff Harold Harden, a prisoner, filed this lawsuit alleging that in April 2012,
12 defendant Christine Moninghoff moved Harden to the mental health segregation unit at High
13 Desert State Prison (“HDSP”) without prior notice and without his consent. ECF No. 17 at 4. He
14 alleges that once there he was forced to take psychiatric drugs that resulted in an allergic reaction.
15 *Id.* He also alleges that defendant Rafael Aguilera transported him to the mental health
16 segregation unit against his will and without any notice or opportunity to be heard. *Id.*

17 I previously granted summary judgment in the defendants’ favor. ECF No. 167. I then
18 denied Harden’s motion for reconsideration. ECF No. 175. I also denied Harden’s objection to
19 my ruling denying reconsideration because I lacked jurisdiction to consider the objection once
20 Harden filed a notice of appeal. ECF No. 180.

21 Harden next filed a motion for relief from the judgment and motion for a new trial. ECF
22 Nos. 181, 182. I deny those motions for the same reason I denied Harden’s last motion. I no
23 longer have jurisdiction over this case.

24 Finally, Harden filed a motion to withdraw ECF Nos. 181 and 182 and to resubmit them
25 as a single motion for relief from the judgment. ECF No. 183. I deny that motion as unnecessary.

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28 ¹ Incorrectly identified in the complaint as Dr. Monninghoff and S/O Agular.

1 Although Harden suspects the Nevada Department of Corrections filed the same document twice
2 as some form of retaliation, in fact the document was filed twice by the clerk of court to reflect
3 the fact that Harden styled his filing as two motions: (1) a motion for relief from judgment and (2)
4 a motion for a new trial. *See* ECF Nos. 181, 182. The duplicate filing was not done to Harden's
5 prejudice and played no role in my decision to deny ECF Nos. 181 and 182.

6 IT IS THEREFORE ORDERED that plaintiff Harold Harden's motion for relief from
7 judgment **(ECF No. 181) is DENIED.**

8 IT IS FURTHER ORDERED that plaintiff Harold Harden's motion for new trial **(ECF**
9 **No. 182) is DENIED.**

10 IT IS FURTHER ORDERED that plaintiff's Harold Harden's motion to withdraw ECF
11 Nos. 181 and 182 and resubmit as a motion for relief from judgment **(ECF No. 183) is DENIED**
12 **as unnecessary.**

13 DATED this 1st day of February, 2017.

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16 ANDREW P. GORDON
17 UNITED STATES DISTRICT JUDGE
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